**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF DELAWARE**

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| UNITED STATES OF AMERICA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| v. | ) | C.A. No. 20-1744-CFC |
| | ) | |
| WALMART INC. AND WAL-MART STORES EAST, LP, | ) ) | |
| | ) | |
| Defendants. | ) | |
| | ) | |

**STIPULATION AND [PROPOSED] ORDER RE: DISCLOSURE OF**
**PRESCRIPTION DRUG MONITORING PROGRAM DATA**
**FROM KANSAS *et al*.**

Plaintiff the United States of America and Defendants Walmart Inc. and Wal-Mart Stores East, LP, (together, "Walmart") pursuant to the Protective Order, paragraph 86, (D.I. 88) in the above-captioned action (this "Litigation"), respectfully submit this Stipulation and Proposed Order Re: Disclosure of Prescription Drug Monitoring Program Data from Kansas *et al*.

WHEREAS, the states of Kansas, Maryland, South Carolina, and Washington or agencies thereof (the "States") maintain electronic systems to collect and store controlled substance dispensing information (the "PDMP Databases").

WHEREAS, the United States possesses data from the PDMP Databases (the "PDMP Data") related to this Litigation.

WHEREAS, the States provided PDMP Data to the United States in the federal criminal actions against certain prescribers subject to the respective laws of the States. *See, e.g.*, KAN. STAT § 65-1685(c)(4); MD. CODE HEALTH–GEN. § 21-2A-06(b)(3); S.C. CODE § 44-53-1650(d)(4); WASH. STAT. § 70.225.040(3)(d).

WHEREAS, the laws of the States permit disclosure of the PDMP Data to a third-party by court order or where authorized by law. *See, e.g.*, KAN. STAT § 65-1685(a); MD. CODE HEALTH–GEN. § 21-2A-06(a)(3); S.C. CODE § 44-53-1650(d)(4) WASH. STAT. § 70.225.040(3)(h).

WHEREAS, Walmart believes federal law authorizes the United States to produce PDMP Data in its possession, custody, or control that is responsive to Walmart's discovery requests.

WHEREAS, the United States believes an Order from this Court is required to permit the disclosure of PDMP Data from the States that is responsive to Walmart's discovery requests.

WHEREAS, on November 1, 2024, this Court, subject to the Parties' stipulation, entered an order requiring the United States to produce PDMP data obtained from the states of Florida, Georgia, Kentucky, Pennsylvania, and West Virginia.  (D.I. 166).

WHEREAS, being relevant to the claims and defenses at issue in this Litigation, subject to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Protective Order, the PDMP Data is discoverable and potentially admissible as evidence in this Litigation.

WHEREAS, the parties recognize that the PDMP Data may require specific handling and designation under the Protective Order.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the approval of this Court and pursuant to the Court's authority under Fed. R. Civ. P. 26(c), that:

1.     The United States shall, consistent with the Protective Order, produce the PDMP Data in its possession to Defendants consistent with this Court's Scheduling Order, *see* D.I. 124.

2.     In accordance with the Protective Order, the United States shall designate the PDMP Data as "Highly Confidential – Protected Health Information."

3.      This Order shall not be construed to require the United States to obtain additional

data not already in its possession from the PDMP Databases or to prohibit Walmart from seeking

additional PDMP data that is in the possession, custody, or control of the United States.


DAVID C. WEISS                                  /s/  Kelly E. Farnan
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                                                 *and Wal-Mart Stores East, LP*

*Counsel for Plaintiff*
*United States of America*


Dated: January 2, 2025



          SO ORDERED this _____ day of _____, 2025.



                                                 _____
                                                 Honorable Eleanor G. Tennyson
                                                 United States Magistrate Judge

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